

**COMMITTEE ON RULES OF PROCEDURE
IN DOMESTIC RELATIONS CASES**

Draft Minutes

Friday, September 26, 2003 (10:00 am – 4:00 pm)

ARIZONA COURTS BUILDING

1501 W. Washington Street - Conference Room 230

Teleconference #: (602) 542-9007

Web Site: <http://www.supreme.state.az.us/drrc/>

Members Present:

Hon. Mark Armstrong, Chair
Annette T. Burns, Esq.
Hon. Norm Davis
Annette Everlove, Esq.
Bridget Humphrey, Esq.
Phil Knox, Esq.
Janet Metcalf, Esq.
Hon. Dale Nielson
Debra Tanner, Esq.
Hon. Nanette Warner
Brian W. Yee, Ph.D.

Quorum: Yes

Members Not Present:

Deborah Fine, Esq
Hon. Michael Jeanes
Robert Schwartz, Esq.
Richard Scholz, Esq.
Hon. Monica Stauffer

Members Represented by Proxies:

Hon. Michael Jeanes (Lauri Thomas, Proxy)
Robert Schwartz (Steve Wolfson, Proxy)

Staff Present:

Konnie K. Young
Karen Kretschman
Isabel Gillett

1. Meeting Called to Order: Judge Armstrong

Judge Armstrong called the meeting to order and welcomed everyone. All present members introduced themselves, and some shared information about other issues and projects that could be relevant to the DR Rules Committee.

- Judge Warner told the Committee about the Private Judging concept being introduced by Representative Yarborough. Judge Armstrong stated that the Committee's interest in the issue would be tied to whatever rules apply and that this matter should be discussed in the next Domestic Relations Committee meeting. Judge Davis said that this issue was being brought before the Committee on Superior Court's next meeting.
- Annette Burns informed the Committee about a noon hour project for an upcoming CLE session (at NAU) involving the review of rules in different counties and the consolidation of discovery rules for temporary orders. She will bring back the information to the Committee.
- Janet Metcalf told the members that she had asked Judge Plante (Yuma County) if he had any recommendations for the Committee, and he said it was important to keep it simple. He also indicated a willingness to assist the Committee in some way

After all present members introduced themselves and discussed relevant issues, Judge Armstrong directed the Committee to review the revised membership and meeting dates lists and briefly discussed the new materials distributed, including the following:

- Agenda
- Revised Membership List
- Revised *Goals and Mission Statement*
- Revised *Rules of Procedure in Domestic Relations Cases Working Outline*
- Draft Minutes for August 29, 2003
- Materials from Workgroup #1
- Materials from Workgroup #2
- *Self Service Guide for Divorce Cases*, Arizona Supreme Court, AOC

Judge Armstrong also discussed the Role of Supreme Court staff in drafting the Family Law Rules. He stated that it is the task of the workgroups to come up with the proposed language and content; Konnie Young is law trained and is willing to assist clarifying the language, polishing it, and formatting.

2. Rules for Conducting Committee Business: Judge Armstrong

Next, Judge Armstrong initiated a discussion to establish rules for conducting Committee business. Following are the results culminating from this discussion:

- a. **Decisions/ Actions:** Committee decisions will be made by consensus and/ or majority vote (if there is a quorum), and a numerical vote will be recorded unless it is unanimous.

- b. **Meetings:** The Committee will meet once a month; however, additional meetings might be necessary, and workgroups will meet more frequently.
- c. **Quorum Policy:** The minimum for a quorum will be determined by the presence of 50% committee members plus one member; therefore, nine (9) members must be present to have a quorum.
- d. **Proxy Policy:** Committee members may send proxies to attend meetings when necessary and with proper notification. A blank proxy form was distributed to each committee member to use for this purpose. Other rules established regarding the use of proxies follow:
 - 1) A proxy has all the responsibilities of a member, including voting power.
 - 2) There is no limit on the number of times a member can send a proxy to attend in the member's place.
 - 3) A member may not also serve as a proxy for another member.
 - 4) Proxies are included in the count of members present to determine a quorum.

3. Approval of Minutes

**Motion: Approve minutes for the August 29, 2003 meeting.
Seconded and passed unanimously.**

4. *ARCP* Rules

Judge Armstrong announced that the *ARCP* rules had been posted to the website in Word format and encouraged members to use the website: <http://www.supreme.state.az.us/drrc/>

5. Follow-up Discussion of Eliminating Paternity Default Hearings

Judge Armstrong initiated discussion about eliminating paternity default hearings. He addressed the members about a proposal made by Rhonda Repp of the Statute Cleanup Workgroup, which is a workgroup of the Child Support Committee. This proposal would allow default judgment in paternity cases without a hearing.

Debra Tanner expressed that her county likes having default hearings because the custodial parent shows up and they get accurate information that they can use to establish a child support order. If the hearings were eliminated, they would need some mechanism whereby they could get that information. A member suggested that the Statute Cleanup Workgroup did not intend to completely remove this hearing, and the proposal would work as long as there was an option to have the hearing or not.

Annette Burns stated that her workgroup is looking into this and that Kim Gillespie is Chair of the Statute Clean-up Workgroup. Annette suggested drafting an alternative to the proposal. Janet Metcalf stated that she always puts some factual basis on the record. Judge

Armstrong indicated that there seems to be a consensus that the Committee does not want to allow default without at least the possibility of a hearing.

TASK: Judge Armstrong said he would advise the Statute Cleanup Workgroup members that the Committee was interested in having the Workgroup draft some language.

6. Workgroup Report and Discussion: Workgroup #1—Sections I & II (Bridget Humphrey, Chair)

Bridget Humphrey distributed materials generated by her workgroup, and an initial product from her workgroup reflecting proposed changes to the rules included in Sections I and II of the Outline.

A. Rules 4 & 5—General Comments

The workgroup's charge was to review Rules 4, 5. The workgroup members went through the Rule and pointed out which parts of the rule they felt should be kept or left out. There was much discussion as the members of the Committee added their comments. One of the questions asked was whether to include a statement referring people back to the *Arizona Rules of Civil Procedure* if need be. Judge Armstrong said we needed to be more specific rather than just direct parties back to the *Arizona Rules of Civil Procedure*. Judge Warner recommended that the ARCP rules should be incorporated into the family law rules, so people do not have to be flipping back and forth among sections.

B. Summons and Service of Process

Judge Warner initiated a discussion about Summons and Service of Process. (ARCP 4. 4.1, 4.2, and appropriate part of 5). Discussion ensued about service of process. One issue raised was whether or not to eliminate the fictitious party aspect of the current Rule 4(c). After discussion, Judge Armstrong noted that it seemed to be the consensus of the Committee to keep the fictitious party (i.e. John Doe) rule. Judge Warner said they would leave in 4(c).

Judge Warner said 4(d) (Who Could Serve Process) should be included, but she did not see the need to repeat 4(e) Statewide Registration of Private Process Servers, but maybe reference it. She recommended including 4(f), 4(g), 4(h), 4(i). Under 4.1, Service within Arizona, she recommended including a, b, c(1) but eliminating (2). Some discussion ensued regarding filing actions and *in loco parentis*, jurisdictional matters and requirement of service. The Committee also discussed the inclusion of Rule 4 subsections 3, 4, and 5, and other rules included in Judge Warner's memo regarding the workgroup's recommendations of inclusion of rules for Summons and Service of Process.

The Committee also discussed issues regarding Service of Process (SOP) on reservations and 4.1(m) motions. It was noted that it would be difficult to write a rule to include all sovereign nations. Also, out-of-state service was discussed and the workgroup proposed language on page 4 of the workgroup's report.

The Committee also discussed waiver of SOP, and Judge Warner asked if the Committee had reached consensus to take out 4.1(c) and corollary 4.2(d).

Annette made a suggestion to simplify Rule 4(f) so *pro se* litigants could understand it, and she said it would be very useful for the workgroup to draft a new Waiver of Acceptance of Service because the current one is very confusing. Judge Warner said she would make a note of this.

The question was asked if the workgroup would be given permission to develop a form, but it was decided that the Committee would work on forms at the end of reviewing the Rules.

TASK: Judge Armstrong asked Konnie to keep track of forms that will be developed at the end of the drafting process.

Judge Warner discussed Rule 5 sections that pertain to Service and Summons and concluded that she did not get into drafting yet, but more of a general overview to present to the Committee.

Judge Warner raised the issue of whether the Committee should include faxing as acceptable SOP method. Janet Metcalf and other members stated that she thought parties should be able to fax, and Judge Warner agreed that it would keep costs down for parties. Judge Armstrong asked if there was a consensus to include “fax” as acceptable service, and there were no objections.

Judge Warner thanked the group for their comments.

C. Limited Scope Representation

Next, Bridget Humphrey discussed the handouts she had distributed, and discussion turned to Limited Scope Representation and Rule 5.1(a). There was also discussion regarding Rule 5(c)(2) about termination of an attorney’s responsibility after the Decree, and Judge Armstrong suggested the Committee include a rule that any attorney of record is automatically relieved of responsibility after the Decree. After a lengthy discussion, Judge Armstrong asked if the members agreed that they should require a notice of limited scope representation. He noted that he was not sure the Committee was going to resolve the related issue of notice of attorney withdrawal at this point; there was no consensus.

There was more discussion, and Judge Armstrong noted that there seemed to be a consensus among the members that when a final order has been entered, the attorney’s obligation is over. It was suggested that the Committee might specify what constitutes a final order. The individual counties may have their own local rule regarding this subject. Bridget Humphrey suggested changing Rule 5.1 to make it clear that attorney withdrawal was automatic after the final order, but make it flexible enough for counties to have their own local rules here if necessary. Judge Armstrong agreed that this could work with that flexibility built into the rule.

There was further discussion on limited scope representation. One of the members said that this was a position that was proposed by the *pro bono* community in a number of states and the idea is that *pro se* litigants who are not able to handle certain issues by themselves can use the brief assistance of counsel on certain issues, basically to either get the case on track or to provide them services where they really need it the most without having a *pro bono* attorney assist them with the entire case. Other members pointed out that this would enable many more private attorneys to do a *pro bono* case and that it would be easier for a party to find an attorney who would handle a case through a temporary orders hearing, get spousal maintenance or some child support in place, get the parties referred to conciliation services, and then the attorney's responsibility would terminate. Some members voiced concerns for the attorney, but noted that the attorney can either draw up a contract with the client that eliminates the risk or decline representation if he or she feels it is necessary. It was further noted that this would not change the practice; it would just assure the attorney who files a limited appearance that he will be allowed out at the end of his representation, rather than filing a motion to withdraw with only the hope that he will be allowed out.

Judge Davis said that in his experience is that motions to withdraw are easily granted in family court, more so than civil. He said the only thing that is gained is that there is the ability to go into court to make the argument. Judge Armstrong told the members that the Supreme Court rule now allows limited scope representation and provides little guidance. As a result many lawyers are reluctant to engage in it for fear of malpractice and because of the vagueness of the rule.

Judge Armstrong believes there is a need for limited scope representation for the disadvantaged and those who cannot afford the full scope representation. He said that he would like to see the Committee specifically provide procedures for filing a notice of limited scope representation, so that everyone knows what they are doing. The question is what should the notice do: cover a period of time or cover subject matter or both. The Committee can be as specific as they want and limit it to the extent they would like. Steve Wolfson said he was not sure this would benefit anyone.

Judge Armstrong suggested that the Committee invite Pat Gerrick, from the Volunteer Lawyers Program and one of the main proponents for limited scope representation, to come to the next meeting and speak to the Committee about issues involved with limited scope representation to help the committee in making decisions regarding including it in the family law rules. The subject of ghost writing was briefly discussed. The question was whether the attorney who prepares pleadings for parties should have to disclose his involvement or not. The workgroup had a strong difference of opinion on that issue, and the Committee was asked to resume discussion on that issue at the next meeting.

TASK: Konnie will invite Pat Gerrick to attend the next meeting.

BREAK FOR LUNCH

7. Additions to Workgroups

When the Committee reconvened after lunch, Judge Armstrong made the Committee aware of the workgroup list that had been handed out during lunch, and he said that some potential workgroup members had indicated an interest in specific issues. He encouraged the workgroup members to invite these people to join their workgroups. He asked the members that if they do add anyone to their workgroup to let Konnie know so that she can add their names to the workgroup member lists.

8. Continuation of Workgroup Report and Discussion: Workgroup #1—Sections I & II (Bridget Humphrey, Chair)

Bridget Humphrey stated that the Committee would move on from the discussion on Limited Scope Representation, because we will have a presentation on that at the next meeting. Bridget directed the committee to turn to confidentiality issues.

A. Sealed Documents / Closing the Record

Bridget Humphrey reminded the Committee that they had talked at the last meeting about sealing or making the record confidential until a certain time. She said that the main concern with this is that when a case is filed, document preparers contact the respondent before the respondent can be served with the petition. She said that this is a particular concern in the domestic violence community, because the petitioner may be a victim of domestic violence, but there has been no order of protection or preliminary injunction served, and now the abuser has been notified and is free to do what he will, which puts the petitioner at risk. She believes that unsealing the record once the respondent has been served should satisfy the concerns of the document preparers and still allow public access to the file. Washington has developed forms somewhat like the forms that have been developed in Maricopa County and all the pertinent information will be attached on a form (anything that is confidential information), which is attached to the petition and then filed; the confidential information portion of it is then sealed on an automatic basis.

Judge Warner told the members that Pima County has a family law information cover sheet, and this is only available to court staff, the parties and their attorneys. This has been done by administrative order, with the hope that there would be a statewide rule that would address that.

Lauri Thomas said that Michael Jeanes and the Clerks of the Court would have a problem with sealing and unsealing records. She said it would also be difficult for Maricopa County to seal the file for 30 days or until the respondent had been served. Judge Armstrong said there were two issues: sealing the file and closing the file, which does not necessarily require it to be put in a brown envelope. He asked Lauri if it would make it easier if the file was closed rather than sealed, and Lauri said she did not believe so. The Clerk of the Court in Pima County has no problem with keeping files confidential or “closed” for a certain time period.

TASK: Judge Armstrong asked Judge Warner and Bridget Humphrey to draft something along both of those lines regarding keeping personally identifiable information, such as social security numbers, by using a cover sheet and also a rule that provides that the documents and filings would be closed until service of process, acceptance of service or default judgment, whatever comes first. The Committee will consider it at a future meeting.

NOTE: Judge Armstrong clarified that although the word “consensus” had been used throughout the day, it was only used as an effort to move on and know where we wanted to go in a particular direction; it was not signaling a decision. No decisions have been made thus far; when we get to decisions, we will be doing that by vote.

B. Restricting Availability of Addresses on the Internet

Dr. Yee spoke about the availability of addresses on the Maricopa County minute entry site on the Internet. He hears concerns from the advocacy groups on victims’ rights on the part of litigants regarding this. He thought this might bring up an issue of public access. Judge Armstrong suggested that if the only way to access this information was through a minute entry, it would not be a concern because based on the limited closure that the Committee is discussing, there would not be a minute entry at that time.

C. Pleadings, Parties and Amendments

Judge Nielson was responsible for pleadings, parties and amendments. He noticed that except for Rhode Island, other jurisdictions kept the same kind of language that was standard. He asked if the rules should be simplified, or just moved over. Judge Armstrong suggested that the rules should be simplified. Judge Nielson brought up the concept of a definition page, to make things simpler for *pro per* people. He said that one or two of the other jurisdiction had definition pages.

TASK: Judge Armstrong asked Judge Nielson to prepare a draft and to include a definitions page along with his draft.

Judge Nielson stated that a lot of the parties described or referred to in the civil rules will not apply to the family law rules. Judge Armstrong posed the question as to whether the Committee wants to use the civil rules by incorporation, or move them over so that people do not have to flip back and forth in seeking out their rules. He believes it would be best to borrow and restate as much as possible, with some exceptions.

Judge Warner suggested that this would be a good place to clarify third party complaints, and that there should be some kind of party procedure in how they are brought in.

Another suggestion was to go through the civil rules and bring over what we can, and then to re-write. Maricopa County’s Rule 6.3, which talks about different forms of pleadings, might be appropriate to insert under Rule 7 and clarify it there to give more of an explanation for the *pro per* parties.

The Committee also discussed Post-Decree Modification of Custody and the time required to file notice for this. Janet Metcalf discussed some of the scheduling problems with hearings being set and filing. Janet Metcalf volunteered to sign up for the Workgroup dealing with Disclosure.

There was further discussion regarding specific actions under Rule 6.3, in loco parentis, and Order to Show Cause language. Judge Armstrong said that Maricopa County has changed it to “Order to Appear.” There was further discussion about changing the “stilted” language (e.g. Order to Show Cause) and whether or not a Response is required for Temporary Orders. Judge Armstrong said the consensus was to not use “Order to Show Cause” except in the contempt context.

Janet Metcalf volunteered to help on Rule 12 and Mary Boyte was also added to work with Janet and the workgroup on Rule 12.

9. Workgroup Report and Discussion: Workgroup #2—Section XI (Hon. Norm Davis, Chair)

Judge Davis directed the Committee to turn to the product of Workgroup II which includes the workgroup’s consideration of existing sources and recommendations for Section XI General Administration.

A. Scope of Rules/ Protective Orders

Judge Davis stated that the workgroup’s recommendations are to include all paternity and related topics arising out of Title 25 Orders of Protection—ARS § 13-3602--and all related statutes and procedures related to the establishment, modification or enforcement of any such orders, including Contempt.

The Committee discussed issues involved with courts handling a Injunctions Against Harassment or at least those arising out of marriage or paternity relationships. Judge Davis said that he felt the long-term fix would be a statutory change that would allow a Petition for Order of Protection to list both harassment sections and the order of protection so that there would be a choice. It was suggested that the relationship between the parties be looked at, and if it meets the definition under Title 13 then it is always an Order of Protection; if it does not, then it would be an Injunction Against Harassment. Judge Armstrong asked how to limit the language in the family rules so that those that are family court related—where there may be some impact on custody or parenting time—are included.

There was a discussion on consolidation. Members had different ways of handling consolidation in their courts. Some courts have them all in the same file, some have them bundled. Judge Davis asked if there was a problem with having them all in the same file. It was suggested that the Clerk of the Court gets the DV file after the divorce is over, and they would not need the larger divorce file. Judge Armstrong thought that perhaps it could be left on a county by county basis. He felt that the only way to include it in this rule would be to

put in a provision that an Injunction Against Harassment may be consolidated under Rule 42. The Committee agreed, and one member stated the preference might be merging of files so there is a record but the cases remain separate. Judge Armstrong also initiated the idea of assumed jurisdiction for juvenile and family law cases.

B. Applicability of Other Rules

Regarding the applicability of other rules, Judge Davis asked if the Committee should refer to the civil rules for a complex case and adopt those by reference or have a rule that says the appropriate case parties and motion the court, and for good cause they can be boosted back to the civil rules to do more complex procedures. On applicability of local rules, Judge Davis said that Rule 83 needed to be kept in place, and the counties could determine local rules that they need. He suggested that, perhaps, it should be recommended to counties that once the family rules are in place they review the local rule, and see if they can do away with some of them. Each county has different needs, and they cannot be impacted.

Judge Davis recommended the issue of an exception to the rules of evidence that would presumptively allow the parties to operate with relaxed rules if the court could admit other reliable evidence that is relevant, unless 60 days before the trial one of the parties filed a motion and showed good cause as to why that should not happen. In those complex cases—where custodians are needed, or the rules of evidence are extremely important for a particular kind of case, or document intensive, or fraud—there is an avenue to do that. But in the routine run-of-the-mill case that is seen every day, it would give flexibility to consider relevant reliable evidence.

Judge Armstrong said this issue was discussed at the first meeting and there was no consensus. Janet Metcalf observed that at the last meeting, there was consensus about *documentary* evidence, and Judge Armstrong agreed. It was suggested that this rule be limited to reliable and documentary evidence. Judge Armstrong said this is being done across the country and handled efficiently. He said that this conforms to our current practice. There was some discussion about what constitutes reliable and documentary evidence.

TASK: Judge Armstrong instructed Judge Davis to write some language along the lines of what is stated above, but not have it based on good cause.

C. Consolidation of Cases

Discussion centered on maintaining most of the existing rules or reasonable extensions of them. The workgroup looked at local rules, and all counties except Cochise County said consolidating is handled under the calendar of whoever hears it. All petitions would be filed post decree in the lowest number. Judge Davis said that when a husband files a petition for divorce and a wife files a petition the next day, this allows the duplicate petition filed in the later case to serve as the response, unless there is an order of the court for the exception that perhaps the one petition is bare bones and does not say anything, and someone needs clarification.

D. Separate Trials

The conclusion is to keep Rule 42.b on separate trials and allow severance where it is appropriate. This is one of those areas where the workgroup thought there would need to be a separate section on IV-D or at least identify exceptions and then at the end pull together all the rules that apply to IV-D. Deb suggested that Stan O'Dell or Kim Gillespie from the Attorney General's office attend the meeting to explain federal regulations and how they work as far as the IV-D Commissioners and the matters they hear.

TASK: Konnie will contact Stan O'Dell and Kim Gillespie to present information regarding IV-D matters at a future DR Rules Meeting.

E. Change of Judge

Judge Davis said that the workgroup did not see any need to change 42(f) because this rule is compatible with civil rules and not unique to family court.

F. Unpublished Addresses

On unpublished addresses, Judge Davis says this overlaps the confidentiality issue. The workgroup thought there should be a rule specified procedure for protecting unpublished addresses for domestic violence purposes on motion. The counties have their own local procedures, but the workgroup thought it ought to be in the rule because it appears to be done more by local rule or administrative order or local practice. Input from the clerk would be needed; service would have to be accomplished through the clerk's office. The workgroup suggests providing the clerk with stamped envelopes for mailing and the address not filled in. The clerk could put the address on and mail it, and file proof of something in the court files, so everyone would know service was accomplished. It would have to be done in every mailing if the address is protected. The workgroup did not talk about fees and whether there should be a one-time fee or per service. There would need to be input from the clerk on this also. This is more of an administrative issue.

G. Sealing of Records

Judge Davis stated that the rules regarding sealing of the records needs to be combined or made consistent with the confidentiality section. The protective welfare of the child standard is found in ARS §25-407(D). Provisions for protecting children seems to be covered, but we might envision situations where someone who is abused needs to have the documents sealed; otherwise, there might be sensitive information that would destroy someone's profession with things that came out of a divorce case. But the workgroup felt it is better to keep this as a case-by-case determination based on the significant harm standard.

Judge Armstrong asked what situations other judges deal with that might require sealing of records. Members suggested possible situations such as when the record includes healthcare professionals who might have relationships with children, financial non-public information, and corporate documents released with confidentiality agreement, and CPS records that

could cause harm if made public. Judge Davis asked if the standard should be “potential harm” instead of “significant harm” or good cause. Judge Davis said that right now there really is not a standard for sealing of records. Judge Warner said that there are a lot of documents being sealed without authority to do so.

Discussion regarding sealing of records ensued. Dr. Yee voiced his concern regarding psychological evaluations being released to insurance companies. Janet Metcalf stated that custody evaluations are kept separately from the divorce file in Yuma County. Judge Armstrong said he is hesitant to include a provision for sealing the record in the family rules because we would get many more requests and the court would be hard-pressed not to reveal information to the media under the public interest standard. If there is a provision included, Judge Armstrong recommends that the standard for sealing the records is high, but ultimately would favor not addressing it in the rules. When asked, no one on the Committee felt strongly about including a provision for sealing the record in the family rules.

H. Telephonic Appearances/ Testimony

The workgroup also recommended that anybody should be allowed to appear telephonically for a pretrial hearing for the convenience of the court or a party. The workgroup recommended that a party or witness should be permitted to give testimony at a trial or evidentiary hearing telephonically or by video conference if the court finds that the party or witness is reasonably prevented from attending the trial or hearing and no substantial prejudice will accrue to any party by allowing the telephonic or video conference testimony. The Committee discussed what constitutes “reasonably prevented.” One member suggested that the rule should be more permissive for witnesses to appear telephonically because of concerns about the time commitment being too burdensome for some professionals (e.g. school teachers). Judge Davis suggested that the rules should state that any objections to a telephonic appearance should be made 30 days in advance of a trial. Judge Armstrong agreed.

I. Presence of Children/ Public Access to Proceeding

The workgroup recommends that children can be excluded from the courtroom if it is in the child’s best interest, or if the child’s presence may be disruptive or distracting to the proceedings. The current practice is to keep children out of the courtroom and to not encourage their presence there. Judge Armstrong noted that a judge could allow it if he or she determined that it was necessary.

J. General

The workgroup recommended deleting the following rules: Surety (Civil Rule 80(g) and Jurisdiction and Venue Unaffected (Civil Rule 82). There were no objections from the Committee.

The workgroup recommended adopting, possibly by reference, Lost Records (Civil Rule 80(h)). The Committee also discussed Unsworn Declarations (Civil Rule 80(h)), and it was

determined that the rule would have to be changed somewhat if it is kept in the family law rules. There was concern and discussion about requiring that Acceptance of Service be notarized. Annette suggested that the Committee should revisit this issue, but she is in favor of allowing unsworn declarations. Committee members voiced the need to have stipulations to modify custody notarized.

The workgroup recommended that Local Rules (Civil Rule 83) should be included in the family law rules, but at the far end we might want to recommend that we try to eliminate unnecessary local rules. Judge Armstrong suggested that under Rule 83, in addition to eliminating unnecessary local rules, we need to include that local rules which conflict with the family law rules need to also be eliminated.

Judge Davis next discussed Forms (Civil Rule 84) and including Form 7—DR Interrogatories. Judge Armstrong stated that we can identify types of forms we might need to have, but we might not get to actually including the forms in the family rules until after they are finished.

Last, Judge Davis discussed the last two Civil Rules, Title (Rule 85) and Effective Date (Rule 86).

Discussion ensued regarding the requirement of filing the Affidavit of Financial Information form under some local rules. Different practices of courts were discussed, and it was decided to address this matter later with other Forms issues.

Judge Armstrong asked to go back to the Title rule, and members discussed different titles. There was agreement to use “family law” rather than “domestic relations” in the title and the title, Rules of Family Law Procedure, was suggested to keep it consistent with other titles of rules. The effective date will need to be included when it is determined.

9. Next Meeting: Konnie Young

The next meeting will be October 14, 2003, at the Judicial Education Center, 541 E. Van Buren, Suite 4-B, Copper and Gold Conference Rooms.

Members were reminded that they were given a revised meeting schedule in their new materials today.

10. Call to the Public:

There were no public members in attendance.

11. Adjournment: Judge Armstrong

The meeting adjourned at 3:20 pm.